

Media Inquiry for the Western District of Michigan

Warner, Breane K. (USAMIW) <Breane.Warner@usdoj.gov>
To: Ken Bensinger <ken.bensinger@buzzfeed.com>
Cc: Christopher Hickman <chris.hickman@buzzfeed.com>

Fri, Mar 12, 2021 at 10:39 AM

Mr. Bensinger:

When it comes to providing media with copies of exhibits, our office and the judges in this district follow guidance provided by the federal court of appeals in *United States v. Beckham*, 789 F.2d 401 (6th Cir. 1986), which calls for a balancing of the public's interest in accessing exhibits with a defendant's due process rights. If you believe that you are entitled to copies of certain exhibits used in a court proceeding, you may wish to file a motion with the district court, which will allow the defendants an opportunity to be heard on your request. The Court will then be in a position to rule on the matter. With respect to exhibits previously provided to you, the defendants who participated in that October hearing were given an opportunity to consent or object to the release of the exhibits as requested by media outlets before the conclusion of the hearing. The timing of your latest request, the exhibits, defendant and defense counsel are different.

Breane Warner

Victim Assistance Specialist

Public Information Officer

US Attorney's Office

Western District of Michigan

PO Box 208

Grand Rapids, MI 49501

Office: 616-456-2404

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From: Ken Bensinger <ken.bensinger@buzzfeed.com>
Sent: Tuesday, March 9, 2021 9:18 PM
To: Warner, Breane K. (USAMIW) <bwarner@usa.doj.gov>
Cc: Christopher Hickman <chris.hickman@buzzfeed.com>
Subject: Re: Media Inquiry for the Western District of Michigan

Ms. Warner,

Thanks for your message. I must admit I am a bit confused as to your office not being able to provide exhibits that were admitted by the judge as evidence in the courtroom, as that makes them an official part of the court record. Furthermore, your office previously sent me exhibits offered up by the prosecution in this specific case (20-cr-183). Those were exhibits presented by the government and admitted by the judge in a previous hearing (on 12/17/20) of some of the other defendants in the matter.

I would therefore ask that your office reconsider its position on this matter. I am copying my media outlet's attorney, Christopher Hickman, who may be able to answer any legal questions at hand.

Regards,

Ken Bensinger

[redacted]

On Tue, Mar 9, 2021 at 1:32 PM Warner, Breane K. (USAMIW) <Breane.Warner@usdoj.gov> wrote:

Good afternoon Mr. Bensinger:

I was notified that you called our office requesting records for the *US v. Fox, et al.* matter, filed in the Western District of Michigan.

Our office is not in a position to provide any materials beyond what is available in Pacer (electronic filing system) at this time.

Please feel free to reach out to me with future inquiries.

Thank you,

Breane Warner

Victim Assistance Specialist

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